

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA ADDING TITLE 17.12, ECONOMIC DEVELOPMENT MEASURES TO THE MUNICIPAL CODE

The City Council of the City of Calistoga does hereby ordain as follows:

SECTION ONE:

WHEREAS, the State of California and the local economy of Calistoga are currently experiencing an economic recession leading to a dearth in development activity and new business starts within the City of Calistoga; and

WHEREAS, the City has an interest in promoting beneficial development and local job growth through the adoption of certain economic development measures that will reduce barriers to development and new business start-up during the economic downturn; and

WHEREAS, this Ordinance contains specific measures targeted at stimulating building and business development and job growth and shall act as an overlay to the existing provisions of the Calistoga Municipal Code to take precedence over any existing provisions of the Calistoga Municipal Code in the event of any inconsistency, for the duration of the ordinance, and

WHEREAS, the City Council finds that the City's Zoning Ordinance and Zoning Map were adopted by Ordinance No. 460 on February 5, 1991; and

WHEREAS, the Planning Commission considered the proposed economic development measures and implementing Municipal Code amendment at its regular meeting on December 8, 2010. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Planning Commission held a duly noticed public hearing on this Zoning Ordinance Text Amendment on December 8, 2010, and adopted Resolution PC 2010-18 forwarding a recommendation of an approval of this Ordinance by the City Council; and

WHEREAS, the City Council of the City of Calistoga has reviewed and considered this text amendment at regular meetings on _____ and _____, as one of its items of business, noticed in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties; and

90 C. Project entitlements approved in 2011, excepting projects for which a
91 Development Agreement is entered into with the City, shall be valid for a three year period
92 and may be extended for an additional one-year period.
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94 D. Any and all project approvals granted within the calendar year 2008, 2009 or
95 2010, may be granted reactivation by the Planning and Building Director, in his/her
96 discretion. The property owner/applicant must request reactivation by submittal of an
97 application and payment of application fee. The application for reactivation will be reviewed
98 to determine consistency with the City's 2003 General Plan and any General Plan
99 amendments in effect at the time of application for reactivation, as well as current City
100 goals, policies and standards. Any reactivated project must comply with current building
101 codes.
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103 E. The time limit for maintaining a legal nonconforming status is hereby
104 extended from six months to 24 months, which will allow for a longer period of vacancy
105 between uses.
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107 17.12.030 Off-Street Parking Deficiencies.
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109 Provision of additional off-street parking spaces and/or payment of in-lieu parking
110 fees by businesses moving into an existing commercial space shall not be required if the
111 deficiency is no more than 10 spaces or no more than 25% of the total required number of
112 parking spaces, whichever is greater.
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114 17.12.040 Payment of Development Impact Fees.
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116 The time for collection of Development Impact fees is hereby changed from the time
117 a building permit or business license is issued to issuance of a Certificate of Occupancy or
118 as part of an approved payment plan, excepting payment of school impact fees and other
119 fees not within the jurisdiction of the City. Additional alternatives for payment of
120 development impact fees may be identified as part of a pending update to the City's impact
121 fees. Any alternative options for payment of impact fees developed subsequent to the
122 adoption of this ordinance may also be considered.
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124 **SECTION THREE:**
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126 This Ordinance shall be in effect for a period of three (3) years from the effective
127 date of this Ordinance, after which time this Ordinance shall automatically expire and
128 terminate and shall be of no further force and effect, unless otherwise amended or
129 extended by Council action.
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131 **SECTION FOUR:**
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133 If any section or portion of this ordinance is for any reason held to be invalid and/or
134 unconstitutional by a court of competent jurisdiction, such decision shall not affect the
135 validity of the remaining portions of this ordinance.

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SECTION FIVE:

THIS ORDINANCE shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the City of Calistoga.

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City of Council meeting of the ____ day of _____, 20__, and was passed and adopted at a regular meeting of the Calistoga City Council on the ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

JACK GINGLES, Mayor

ATTEST:

SUSAN SNEDDON, City Clerk